

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P01581WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/000638	International filing date (day/month/year) 26.01.2004	Priority date (day/month/year) 24.01.2003
International Patent Classification (IPC) or national classification and IPC F25D 29/00, 23/02		
Applicant BSH BOSCH UND SIEMENS HAUSGERÄTE GMBH		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/	Authorized officer																								
Facsimile No.	Telephone No.																								

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000638

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-14 _____ received by this Authority on 26.11.04 with letter
- nos.* _____ received by this Authority on of 26.11.04
- ☒ the drawings:
- sheets 1/4-4/4 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/000638

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	7, 9, 10, 12, 13	YES
	Claims	1-6, 8, 11, 14	NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

- D1: WO 02/065036 A (ALTUN UEMIT; ARISOY EMRE (TR); BAYIZ NIHAT (TR); BUKULMEZ BORA (TR) 22 August 2002 (2002-08-22)
- D2: WO 02/10659 A (BSH BOSCH SIEMENS HAUSGERAETE; RAAB ALFRED (DE); RUPP CLAUDIA (DE)) 7 February 2002 (2002-02-07)
- D3: US-A-4 072 486 (JOSEPH RUTH) 7 February 1978 (1978-02-07)
- D4: DE 92 18 613 U (LICENTIA GMBH) 6 October 1994 (1994-10-06)

A. Novelty

1. The present application does not satisfy the requirements of PCT Article 33(1), because the subject matter of claims 1-6, 8, 11 and 14 is not novel (PCT Article 33(2)).

D1 discloses (the references in parentheses relate to said document):

Claim 1: Door (2) for a refrigerating appliance (see page 1, lines 7 and 8), having an outer wall

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

(of the door panel 9) and an inner wall (of the door panel 9) which are interconnected along their longitudinal edges and transverse edges (of the door panel 9), wherein one transverse edge (of the door panel 9) is designed such as to produce a window (13) which extends over the depth of the door.

The applicant is advised that the door panel 9 in D1 corresponds to the border element 5 shown in figures 1, 3, 5, 6, 8 and 9.

Claim 2: Door (2) having a rectangular horizontal section (see fig. 1), wherein the window (13) is produced on one of the shorter sides of the door (2) rectangle acting as a transverse edge.

Claim 3: Door (2), wherein a transverse edge of the outer wall and a corresponding transverse edge of the inner wall are arranged facing each other, and over the depth of the door there is provided an opening (13, and page 4, lines 27 to 29) acting as a window (13).

Claim 4: Door (2), wherein the transverse edge of the outer wall has a window (13) acting as a recess and said edge projects beyond the corresponding transverse edge of the inner wall (see fig. 1).

Claim 5: Door (2), wherein a first border element (9), which is secured to the edge of the outer wall and to an edge of the inner wall, and which,

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

together with the outer wall and inner wall, defines an insulating interspace, follows the outline of the window (13).

Claim 6: Door, wherein a transparent panel (14) is arranged in the window (13).

Claim 8: Door, wherein the panel (14) is inserted into a window cut-out (13) of the border element (9).

Claim 11: Door, wherein the panel (14) is made from a transparent material (see page 4, lines 29 and 30).

Claim 14: Refrigerating appliance (see page 1, lines 7 and 8) having a door (2) and having a body (1) to which the door (2) is fitted, wherein the window (13) is positioned on the body (1) in such a way that, when the door (2) is closed, a display element is visible (see page 6, lines 17 to 20).

2. The technical features of dependent claims 7, 9, 10, 12 and 13 are not known from the prior art. The subject matter of these claims is therefore novel (PCT Article 33(2)).

B. Inventive step

The present application does not satisfy the requirements of PCT Article 33(1), because the subject matter of claims 7, 9, 10, 12 and 13 does not involve an inventive

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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step (PCT Article 33(3)).

These dependent claims do not contain any features which in combination with the features of any claim to which they refer back satisfy the PCT requirements for inventive step. These features represent minor structural modifications to the door which are generally known to a person skilled in the art (cf. D2 to D4 and the relevant passages indicated in the search report).

C. Industrial applicability

The subject matter of claims 1 to 14 is considered to be industrially applicable (PCT Article 33(4)).

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

A. Clarity of claims 1, 2, 3 and 4

The application does not satisfy the requirements of PCT Article 6 because claims 1, 2, 3 and 4 are not clear.

1. Claim 1 does not meet the requirements of PCT Article 6 because the subject matter for which protection is sought is not clearly defined. The claim attempts to define the subject matter in terms of the result to be achieved; but the phrase "that one transverse edge is designed such as to" merely states the problem to be solved without indicating the technical features necessary to achieve this result.
2. Contrary to PCT Article 6, claims 1, 2, 3 and 4 are not supported by the description, since their scope goes beyond that substantiated by the description and drawings. The reason is as follows: the words "transverse edge" are not used in the description.